

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING - April 14, 1971

Appeal No. 10738 Harrell Brothers Building Contractors, Inc.,
appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of April 20, 1971.

ORDERED:

That the appeal for variance from the requirements of Section 3305.4 to permit lot line wall on property line at 104 55th Street, N. E., lot 836, Square 5243 be denied.

FINDINGS OF FACT:

1. The subject property is located in an R-2 District.
2. The property is currently an unimproved lot.
3. The appellant proposes to erect a single family, semi-detached dwelling on subject property with the lot line wall on the property line.
4. The lot is 37.5 feet in width and the width of the proposed dwelling will be 23 feet in width.
5. The appellant alleged that the proposed dwelling was approved in April 1969 by the Zoning Administrator and because of tight money, construction was delayed.
6. The regulations were changed on November 18, 1970 which now require an 8 foot side yard on both sides.
7. Opposition was registered at the public hearing to the granting of this appeal.

Appeal No. 10738

Page 2

August 13, 1971

OPINION:

We are of the opinion that appellant has not proven a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will not result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____
GEORGE A. GROGAN
Secretary of the Board